

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 14, 1860.—Ordered to be printed.

Mr. WILKINSON made the following

REPORT.

[To accompany bill S. 169.]

The Committee on Claims, to whom was referred the petition of Elijah R. Merrill, praying relief on account of injury received while at work for the government, report:

That, from the petition and the evidence submitted in this case, it is fully made to appear that the petitioner is now a resident of the county of Oxford, in the State of Maine; that in the month of October, in the year 1837, the petitioner was in the employ of the United States on Bangs' island, in Portland harbor; that while so employed the petitioner was, on the day above stated, engaged in the dangerous and hazardous work of blasting rocks, when a premature and sudden explosion of gunpowder accidentally took place, blowing the petitioner into the air; that in his descent he fell over a precipice of about twenty feet, from which he received very serious injuries, and was for a long time unable to be removed from the house into which he was taken.

It further appears, from the affidavit of his attending physician, that his left leg was badly dislocated, and shattered from the hip to the foot; that his spine was permanently injured and his left eye destroyed.

Another physician, a brother of Senator Fessenden, testified, fully confirming the statements of the other witness, and adds that the muscles of the left leg are withered, the left eye destroyed; and that the petitioner's injuries are such as to render him incapable to perform any hard labor.

It further appears from the testimony offered that the petitioner has a family dependent upon him for support, and that he has no resources except the proceeds of his labor.

The petitioner prays to be allowed such aid as in the opinion of Congress shall be fit and proper.

Cases similar to this have heretofore received the favorable action of Congress, they being regarded as a class of cases not provided for by the pension laws of the country. Under the pension system it seems to be an indispensable condition that the recipients of its benefits shall have been regularly received or enlisted into the military or naval service of the country.

This case is similar to that of Miles Divine, which was before the last Congress. In the report of the Senate Committee on Claims the following language is used, which your committee adopt and approve: "While the committee concur fully in this wise policy of the government in regard to the granting of pensions, they think that cases may arise in which, by the exercise of a wise and humane discretion, Congress may properly interpose to relieve the necessities of persons in civil life who became disabled from providing for their own support by accidents incurred in the faithful services of the country."

In this case the service in which the petitioner was engaged at the time of his injury was a dangerous one; which fact commends his case more strongly to the discretion of Congress.

There is no good reason why the government should not extend its aid to those unfortunate persons who have become permanently disabled in the performance of its dangerous but necessary service. And such has heretofore been the action of Congress in such cases.

In 1847 Congress passed an act for the relief of James Jones, who received a severe injury while in the employment of the government as a rigger, although he had never enrolled or enlisted in the army or navy.

In the case of Peter Grover, which was a case quite similar to this, Congress passed an act, in the year 1857, appropriating for his relief the sum of \$800.

In the same year an act was passed for the relief of James Harrington, as an indemnification for loss of time and expenses incurred during sickness caused by melting lead while in the employment of the United States.

The action of Congress heretofore fully establishes precedent in favor of granting relief in meritorious cases such as the one now before the committee.

In the reports in the several cases above referred to the principles herein set forth are fully recognized. In conformity with these views the committee report the accompanying bill, and recommend its passage.